

Suits by foster parents to terminate parental relationship

HB 360 by Averitt (Sibley)

DIGEST:

HB 360 would have permitted a foster parent who had acquired actual possession of a child who had been voluntarily placed by a parent with an authorized agency to bring suit affecting the parent-child relationship, as long as the foster parent had actual possession of the child for at least 12 months immediately preceding the filing of the suit. The bill also would have permitted a suit by a person who had actual possession, but not control, of a child for at least six months, rather than only by a person with possession *and* control.

**GOVERNOR'S
REASON
FOR VETO:**

"This bill would allow a foster parent who had actual possession of a child for a period of one year and, in the case of a court-ordered placement, as little as six months, to bring a suit to terminate the rights of the natural parents and adopt the child. According to an interpretation of the United States Department of Health and Human Services, a state statute that allows foster parents to petition for termination of parental rights would be contrary to the intent of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272). Therefore, this bill becoming law would result in the loss of a significant amount of federal funds for Texas."

RESPONSE:

Rep. Kip Averitt, the author of HB 360, said: "This bill would apply only to voluntary placements in private organizations. It would have nothing to do with court-ordered adoptions or placements or anything the Department of Human Services (DHS) does. They raised this objection only at the end of the process. They have a difference of philosophy and don't think that foster parents should have standing, and this was their way of killing the bill. HB 360 doesn't affect federal funding in any regard. DHS had every opportunity to raise objections during the committee process."

NOTES:

HB 360 was analyzed in the April 7 *Daily Floor Report*.